

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

OPTUM, INC. and  
OPTUM SERVICES, INC.,

*Plaintiffs,*

v.

Civil Action No. 19-cv-10101

DAVID WILLIAM SMITH,

*Defendant.*

**DEFENDANT DAVID SMITH'S MOTION TO COMPEL ARBITRATION**

Pursuant to 9 U.S.C. § 4, and for the reasons set forth in the attached Memorandum of Law, David William Smith (“Smith”) hereby moves for an Order compelling Plaintiffs Optum, Inc. and Optum Services, Inc. (“Plaintiffs”) to arbitrate their claims against Smith.

As an initial matter, Smith asks that the Court resolve this Motion prior to considering Plaintiffs’ Motion for Temporary Restraining Order (ECF No. 3) and Plaintiffs’ Motion for Limited Expedited Discovery (ECF No. 5) as resolution of this Motion should render those motions moot. Thus, the Court ought to hold off on scheduling a hearing on Plaintiffs’ motions until this Motion is resolved.

**REQUEST FOR ORAL ARGUMENT**

Pursuant to Local Rule 7.1(d), Smith requests oral argument on this Motion.

**LOCAL RULE 7.1(a)(2) CERTIFICATE**

I certify, pursuant to Local Rule 7.1(a)(2), that counsel for Defendant has conferred with counsel for Plaintiffs regarding Defendant’s Motion to Compel Arbitration and has attempted in good faith to resolve or narrow the issues. Defendant understands that Plaintiffs intend to oppose the motion.

/s/ John F. Welsh, III  
John F. Welsh, III

Respectfully submitted,

**DAVID WILLIAM SMITH**

By his attorneys,

/s/ John F. Welsh, III  
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Dated: January 22, 2019

**CERTIFICATE OF SERVICE**

I hereby certify that on January 22, 2019, the undersigned filed a copy of the above and foregoing via the Court's CM/ECF system, which will send notification of such filing to all registered participants.

/s/ John F. Welsh, III  
John F. Welsh, III